

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 691

By: Allen

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5
6 AS INTRODUCED

7 An Act relating to vehicle weight and load; amending
8 47 O.S. 2011, Sections 14-101, as last amended by
9 Section 1, Chapter 121, O.S.L. 2016 and 14-109, as
10 last amended by Section 1, Chapter 52, O.S.L. 2018
11 (47 O.S. Supp. 2018, Sections 14-101 and 14-109),
12 which relate to certain penalties and axle and gross
13 weights of certain vehicles; clarifying certain
14 penalty; clarifying certain weights formula for
15 permits for certain vehicles; providing penalties for
16 operating certain vehicles or combination of vehicles
17 in excess of certain weight limitations; establishing
18 procedures for assessment of certain administrative
19 penalty; directing deposit of certain fines;
20 prohibiting issuance of conflicting bond schedule;
21 providing an effective date; and declaring an
22 emergency.

23 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

24 SECTION 1. AMENDATORY 47 O.S. 2011, Section 14-101, as
last amended by Section 1, Chapter 121, O.S.L. 2016 (47 O.S. Supp.
2018, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor, punishable pursuant to
Section 14-109 of this title, for any person to drive or move or for
the owner to cause or knowingly permit to be driven or moved on any
highway any vehicle or vehicles of a size or weight exceeding the

1 limitations stated in this chapter or otherwise in violation of this
2 chapter, and the maximum size and weight of vehicles herein
3 specified shall be lawful throughout this state and local
4 authorities shall have no power or authority to alter the
5 limitations except as express authority may be granted in this
6 chapter.

7 B. The Commissioner of Public Safety is directed to issue
8 annual overweight permits to:

9 1. Municipalities and rural fire districts for the
10 transportation of firefighting apparatus at no cost to the
11 municipalities or rural fire districts;

12 2. Owners of implements of husbandry, which includes tractors
13 that are temporarily moved upon a highway at no cost to the owner;

14 3. Retail implement dealers while hauling implements of
15 husbandry at no cost to the dealer; and

16 4. Owners of certain vehicles as provided for in Section 14-
17 103G of this title.

18 C. If a vehicle is issued a license pursuant to Section 1134.4
19 of this title, the license shall also serve as the overweight permit
20 required by this section.

21 D. All size, weight and load provisions covered by this chapter
22 shall be subject to the limitations imposed by Title 23, United
23 States Code, Section 127, and such other rules and regulations
24 developed herein. Provided further that any size and weight

1 provision authorized by the United States Congress for use on the
2 National System of Interstate and Defense Highways, including but
3 not limited to height, axle weight, gross weight, combinations of
4 vehicles or load thereon shall be authorized for immediate use on
5 such segments of the National System of Interstate and Defense
6 Highways and any other highways or portions thereof as designated by
7 the Transportation Commission or their duly authorized
8 representative.

9 E. All size, weight and load provisions covered by Sections 14-
10 101 through 14-123 of this title shall be subject to a gross vehicle
11 weight limit of ninety thousand (90,000) pounds when applied to a
12 vehicle operating off the National System of Interstate and Defense
13 Highways unless such vehicle is operating in full compliance with an
14 overweight permit issued by the Commissioner of Public Safety.

15 F. Any vehicle permitted for movement on the highways of this
16 state as provided in Section 14-101 et seq. of this title, other
17 than a vehicle permitted solely for overweight movement, shall be
18 moved only during daylight hours. As used in Section 14-101 et seq.
19 of this title, "daylight hours" shall mean one-half (1/2) hour
20 before sunrise to one-half (1/2) hour after sunset. The
21 Commissioner of Public Safety, for good cause and consistent with
22 the safe movement of the vehicle, may endorse a permit for the
23 movement of an oversize vehicle to authorize night time travel under
24 such terms and restrictions as the Commissioner may require.

1 G. 1. Any vehicle permitted for movement on the highways of
2 this state as provided in Section 14-101 et seq. of this title shall
3 not be moved at any time on the following holidays:

- 4 a. New Year's Day (January 1),
- 5 b. Memorial Day (the last Monday in May),
- 6 c. The Fourth of July (Independence Day),
- 7 d. Labor Day (the first Monday in September),
- 8 e. Thanksgiving Day (the fourth Thursday in November),
- 9 and
- 10 f. Christmas Day (December 25).

11 2. Any vehicle permitted for movement on the highways of this
12 state as provided in Section 14-101 et seq. of this title shall be
13 allowed to move on the following holidays:

- 14 a. Martin Luther King, Jr.'s Birthday (the third Monday
15 in January),
- 16 b. President's Day, also known as Washington's Birthday
17 (the third Monday in February), and
- 18 c. Veteran's Day (November 11).

19 SECTION 2. AMENDATORY 47 O.S. 2011, Section 14-109, as
20 last amended by Section 1, Chapter 52, O.S.L. 2018 (47 O.S. Supp.
21 2018, Section 14-109), is amended to read as follows:

22 Section 14-109. A. On any interstate highway:

23 1. No single axle weight shall exceed twenty thousand (20,000)
24 pounds; and

1 2. The total gross weight in pounds imposed thereon by a
2 vehicle or combination of vehicles shall not exceed the value
3 calculated in accordance with the Federal Bridge formula imposed by
4 23 U.S.C., Section 127.

5 B. 1. Except as to gross limits, the formula of this section
6 shall not apply to a truck-tractor and dump semitrailer when used as
7 a combination unit. In no event shall the maximum load in pounds
8 carried by any set of tandem axles exceed thirty-four thousand
9 (34,000) pounds. Any vehicle operating with split tandem axles or
10 tri-axles shall adhere to the formula.

11 2. For vehicles operating under special permits as provided in
12 this title:

- 13 a. dual wheels shall be required for any vehicle moving
14 loads between twenty-two thousand (22,000) and twenty-
15 three thousand (23,000) pounds, and
- 16 b. a minimum weight capacity rating of twenty thousand
17 (20,000) pounds shall be required for the steering
18 axle of any vehicle moving loads greater than twenty-
19 three thousand (23,000) pounds.

20 C. Except for loads moving under special permits as provided in
21 this title, no department or agency of this state or any county,
22 city, or public entity thereof shall pay for any material that
23 exceeds the legal weight limits moving in interstate or intrastate
24 commerce in excess of the legal load limits of this state.

1 D. 1. An annual special overload permit may be purchased for
2 vehicles transporting rock, sand, gravel, coal, flour, timber,
3 pulpwood, and chips in their natural state, oil field fluids, oil
4 field equipment or equipment used in oil and gas well drilling or
5 exploration, and vehicles transporting grain, fertilizer,
6 cottonseed, cotton, livestock, peanuts, canola, sunflowers,
7 soybeans, feed, any other raw agricultural products, and any other
8 unprocessed agricultural products, if the following conditions are
9 met:

- 10 a. the vehicles are registered for the maximum allowable
11 rate,
- 12 b. the vehicles do not exceed five percent (5%) of the
13 gross limits set forth in subsection A of this
14 section,
- 15 c. the vehicles do not exceed eight percent (8%) of the
16 axle limits set forth in subsection A of this section,
- 17 d. no component of the vehicles exceeds the
18 manufacturer's component weight rating as shown on the
19 vehicle certification label or tag, and
- 20 e. the vehicles operating pursuant to the provisions of
21 this paragraph will not be allowed to operate on the
22 National System of Interstate and Defense Highways.

23 2. Vehicles operating pursuant to this section must register
24 for the maximum allowable rate and additionally shall purchase a

1 nontransferrable annual special overload permit from the Department
2 of Public Safety for a fee of Three Hundred Fifty Dollars (\$350.00).
3 All monies collected shall be deposited to the credit of the Highway
4 Construction and Maintenance Fund.

5 E. 1. Oversize or overweight vehicles used for specialized
6 transportation if the maximum weight does not exceed twenty-three
7 thousand (23,000) pounds on any single axle or forty-six thousand
8 (46,000) pounds on any tandem axle; and:

9 a. the width of the transport vehicle or trailer exceeds
10 twelve (12) feet in width, or

11 b. the overall gross vehicle weight meets or exceeds
12 three hundred thousand (300,000) pounds, originates or
13 terminates at the Tulsa Port of Catoosa, and the trip
14 is confined within a thirty-mile radius of the Port.

15 2. Permit fees for oversize or overweight vehicles used for
16 specialized transportation shall be in accordance with subsection A
17 of Section 14-116 of Title 47.

18 3. Vehicles operating pursuant to the provisions of this
19 paragraph will not be allowed to operate on the National System of
20 Interstate and Defense Highways.

21 F. Exceptions to this section will be:

22 1. Utility or refuse collection vehicles used by counties,
23 cities, or towns or by private companies contracted by counties,
24 cities, or towns if the following conditions are met:

- 1 a. calculation of weight for a utility or refuse
2 collection vehicle shall be "Gross Vehicle Weight".
3 The "Gross Vehicle Weight" of a utility or refuse
4 collection vehicle may not exceed the otherwise
5 applicable weight by more than fifteen percent (15%).
6 The weight on individual axles must not exceed the
7 manufacturer's component rating which includes axle,
8 suspension, wheels, rims, brakes, and tires as shown
9 on the vehicle certification label or tag, and
10 b. utility or refuse collection vehicles operated under
11 these exceptions will not be allowed to operate on
12 interstate highways;

13 2. A combination of a wrecker or tow vehicle and another
14 vehicle or vehicle combination if:

- 15 a. the service provided by the wrecker or tow vehicle is
16 needed to remove disabled, abandoned, or accident-
17 damaged vehicles, and
18 b. the wrecker or tow vehicle is towing the other vehicle
19 or vehicle combination directly to the nearest
20 authorized place of repair, terminal, or vehicle
21 storage facility; and

22 ~~Vehicles operating pursuant to the provisions of this paragraph will~~
23 ~~not be allowed to operate on the National System of Interstate and~~
24 ~~Defense Highways~~

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2 3. A vehicle designed to be used under emergency conditions to
3 transport personnel and equipment and to support the suppression of
4 fires and mitigation of other hazardous situations operating on the
5 Interstate System with a vehicle weight limit up to a maximum gross
6 vehicle weight of eighty-six thousand (86,000) pounds with less
7 than:

8 a. twenty-four thousand (24,000) pounds on a single
9 steering axle,

10 b. thirty-three thousand five hundred (33,500) pounds on
11 a single drive axle,

12 c. sixty-two thousand (62,000) pounds on a tandem axle,
13 or

14 d. fifty-two thousand (52,000) pounds on a tandem rear
15 drive steer axle.

16 G. 1. Any vehicle utilizing an auxiliary power or idle
17 reduction technology unit in order to promote reduction of fuel use
18 and emissions because of engine idling shall be allowed an
19 additional four hundred (400) pounds total to the total gross weight
20 limits set by this section.

21 2. To be eligible for the exception provided in this
22 subsection, the operator of the vehicle must obtain written proof or
23 certification of the weight of the auxiliary power or idle reduction
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1 technology unit and be able to demonstrate or certify that the idle
2 reduction technology is fully functional.

3 3. Written proof or certification of the weight of the
4 auxiliary power or idle reduction technology unit must be available
5 to law enforcement officers if the vehicle is found in violation of
6 applicable weight laws. The additional weight allowed cannot exceed
7 four hundred (400) pounds or the actual proven or certified weight
8 of the unit, whichever is less.

9 H. Utility, refuse collection vehicles or a combination of a
10 wrecker or tow vehicle as described in paragraph 2 of subsection E
11 of this section operating under exceptions shall purchase an annual
12 special overload permit from the Department of Public Safety for One
13 Hundred Dollars (\$100.00). All monies collected shall be deposited
14 to the credit of the Highway Construction and Maintenance Fund.

15 I. For purposes of this section, "utility vehicle" shall mean
16 any truck used by a private utility company, county, city, or town
17 for the purpose of installing or maintaining electric, water, or
18 sewer systems.

19 J. Any person who operates a vehicle or combination of vehicles
20 which is seven hundred fifty (750) pounds or more in excess of the
21 gross or axle weight limitations imposed by this section shall, upon
22 conviction or assessment of an administrative penalty, be punished
23 by a fine to be calculated from the amount of weight in excess of
24 the top weight limitation authorized as follows:

1 1. A fine of Two Hundred Dollars (\$200.00), if overweight by
2 seven hundred fifty (750) pounds but not more than three thousand
3 (3,000) pounds;

4 2. A fine of Two Hundred Fifty Dollars (\$250.00), if overweight
5 by three thousand one (3,001) pounds but not more than five thousand
6 (5,000) pounds;

7 3. A fine of Four Hundred Fifty Dollars (\$450.00), if
8 overweight by five thousand one (5,001) pounds but not more than
9 seven thousand (7,000) pounds;

10 4. A fine of Six Hundred Fifty Dollars (\$650.00), if overweight
11 by seven thousand one (7,001) pounds but not more than ten thousand
12 (10,000) pounds; and

13 5. A fine of ten cents (\$0.10) per pound overweight, if
14 overweight by ten thousand one (10,001) pounds or more.

15 K. Any person having multiple offenses as provided for in
16 subsection J of this section within a calendar year shall be subject
17 to the following fines:

18 1. A second offense within one (1) year of any fine pursuant to
19 paragraphs 1 through 4 of subsection J shall receive a fine of one
20 and one half (1 1/2) times the amount of the violation cited; and

21 2. A third and all subsequent offenses within one (1) year of
22 any fine pursuant to paragraphs 1 through 4 of subsection J shall
23 receive a fine of two (2) times the amount of the violation cited.

1 L. If a person commits a violation of the provisions of Section
2 14-101 of this title, or of this section, but is not convicted and
3 assessed a criminal penalty, the Commissioner of Public Safety or
4 designated representative may assess an administrative penalty in an
5 amount authorized by this section, after notice to the violator and
6 an opportunity for hearing. An appeal of an assessment of such
7 administrative penalty may be made to the district court of Oklahoma
8 County pursuant to Sections 318 through 323 of Title 75 of the
9 Oklahoma Statutes. In no event shall a fine be imposed as both a
10 criminal conviction and an administrative penalty as a result of the
11 same violation arising from the same incident.

12 M. In no event shall a fine, in compliance with this section,
13 be imposed in both a criminal conviction and an administrative civil
14 assessment as a result of the same violation arising from the same
15 incident.

16 N. All fines collected pursuant to the provisions of subsection
17 J of this section shall be deposited in the State Treasury to the
18 credit of the Weigh Station Improvement Revolving Fund, as created
19 in Section 1167 of this title for the purpose of enforcing size,
20 weight and load laws of this state.

21 O. No state agency, board, commission or political subdivision
22 shall issue a bond schedule that conflicts with the provisions of
23 this section.

24 SECTION 3. This act shall become effective July 1, 2019.

1 SECTION 4. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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